

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SKYWORKS, LTD., *et al.*,

Plaintiffs,

v.

CENTERS FOR DISEASE CONTROL AND
PREVENTION, *et al.*,

Defendants.

Case No. 5:20-cv-2407

Judge J. Philip Calabrese

Magistrate Judge Carmen E. Henderson

DEFENDANTS' CONSENT MOTION FOR EXTENSION OF TIME

Defendants respectfully request a three-day extension of time, from April 26 to 29, 2021, to respond to Plaintiffs' motion to amend or clarify the judgment. Plaintiffs consent to this request. In support of this motion, Defendants submit the following:

1. On March 10, 2021, the Court entered judgment in favor of Plaintiffs, ECF No. 55, along with an accompanying opinion and order, ECF No. 54.
2. Under Federal Rule of Civil Procedure 59(e), "[a] motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment." Fed. R. Civ. P. 59(e). On April 7, 2021, 28 days after entry of the Court's judgment, Plaintiffs filed a motion to clarify or amend. ECF No. 57.
3. On April 8, 2021, the Court directed Defendants to file any response to Plaintiffs' motion within 19 days, by April 26, 2021. *See* Apr. 8 Order. The Court noted that "[i]f Defendants need additional time to respond, the Court will entertain a motion for a reasonable extension after the parties have conferred on a proposed response date." *Id.*
4. On April 22, 2021, counsel for Defendants conferred with counsel for Plaintiffs via email regarding a three-day extension of time, until April 29, 2021. Counsel for Plaintiffs indicated

that they consent to such an extension.

5. Good cause exists for this short extension of time. Plaintiffs' motion does not dispute that Plaintiffs themselves have been granted full relief, *see* ECF No. 57, at 3 & n.1, but asks the Court to extend that relief to other parties, on a nationwide basis. That extraordinary request implicates two issues of significant importance—the federal government's ongoing response to COVID-19, and the appropriate scope of relief under the Administrative Procedure Act. Moreover, Plaintiffs would not be prejudiced by a brief extension, having used the full 28 days permitted under Rule 59(e) to file their motion; this extension, if granted, would give Defendants a total of 22 days to respond. Under the circumstances, Defendants respectfully submit that there is good cause for a modest extension of time to finalize their opposition.

6. In light of these facts, Defendants respectfully request a three-day extension of time, until April 29, 2021, to respond to Plaintiffs' motion to clarify or amend the judgment.

Dated: April 23, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

ERIC BECKENHAUER
Assistant Director, Federal Programs Branch

/s/ Leslie Cooper Vigen
LESLIE COOPER VIGEN
Trial Attorney (DC Bar No. 1019782)
STEVEN A. MYERS
Senior Trial Counsel (NY Bar No. 4823043)
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Tel: (202) 305-0727
Fax: (202) 616-8470
E-mail: leslie.vigen@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify I served this document today by filing it using the Court's CM/ECF system, which will automatically notify all counsel of record.

Dated: April 23, 2021

/s/ Leslie Cooper Vigen

Trial Attorney